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SIR F. B. HEAD AND MR. BIDWELL.

THE

CAUSE AND CIRCUMSTANCES

OF

Mr. BIDWELL'S Banishment

BY SIR F. B. HEAD,

CORRECTLY STATED AND PROVED

BY

A UNITED EMPIRE LOYALIST.

"——— Britain never did, nor never shall
Lie at the proud foot of a conqueror,
But when it first *did help to wound itself.*"

"A generous concern for those who are to come after us, should engage us to labour and strive *at we* may transmit our civil privileges unimpaired to posterity yet unborn."

KINGSTON.

Printed by T. H. BENTLEY, Herald Office.

1838.

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ADVERTISEMENT.

The great demand for the authentic statement (which appeared in the U. C. Herald of the 8th Instant) of the facts and circumstances of Mr. Bidwell's exile from this Province, has induced the Proprietor of the Herald to publish an edition of it in Pamphlet form. The statement of the case by the Toronto *Patriot* Newspaper is as follows :—

The Commercial Advertiser must have a strange idea of our laws and institutions, to promulgate the "*Mr Bidwell was driven from Upper Canada by the arbitrary mandate of Sir Francis Head, having committed no offence against the laws or Government of that Province.*" Any one at all acquainted with our Constitution and laws, (and we can hardly suspect the Commercial Advertiser to be wholly ignorant of them,) must know that no Governor in British North America can exile a subject of Great Britain, or in any other manner punish him at his mere will and pleasure. Why, therefore, has the Commercial gravely put forth such stupid—such palpable—such flagrant nonsense. Can it be posssible that Marshal Spring Bidwell, Esq., has been himself the authority for this silly tirade against Sir Francis Head. We incline to the belief, knowing the intimacy that has long subsisted between that *gentleman* and Mr. Hill of the Commercial. The truth of the matter is, and we do trust that the Commercial Advertiser will in justice give it promulgation :—The day after the fight of Gallows Hill, a packet of letters arrived at the Toronto Post Office, addressed to Mr. Bidwell, which, agreeably to orders, were sent by the Post Master to Sir Francis Bond Head, who, sending to Mr. Bidwell, showed him the letters, and spoke to him to the following effect:—"Mr. Bidwell, you must be aware that "you are regarded here with much suspicion, as "one disloyal to the Queen's Government, and "that consequently your position in society must "henceforth be any thing but comfortable to your "feelings; here are a number of letters addressed "to you, as you perceive with the seals unbroken, "will you receive these letters unopened and voluntarily quit the country *forever*, or stay, and submit to have then examined, taking the chance "of what they may reveal. To satisfy you that "it is not by the Government alone that you are "presumed to be disloyal, look at this flag."

Sir Francis here produced a flag which had been taken at Gallows Hill, with these words painted upon it, "BIDWELL AND THE GLORIOUS MINORITY." Mr. Bidwell entered upon an elaborate harangue to prove the impossibility of his having any participation in the rebellious proceedings, which Sir Francis heard patiently to the end, when he again placed before him the alternative of quitting the country *forever*, or submitting the letters to a scrutiny. Mr. Bidwell chose the first. Sir Francis then told him to write him a letter, announcing his determination to quit the country *forever*, when his packet should be delivered to him intact. Mr. Bidwell then retired, and having addressed the following letter to Sir Francis his packet was sent to him :—

(Copy.)

Toronto, 8th December, 1837.

SIR,—In consequence of the kind conversation of Your Excellency this morning, I have determined to leave this Province forever.

I am aware that the circumstances to which Your Excellency alluded are calculated to give rise to suspicions against me in relation to this insurrection; and while they would be likely to render my further residence in this Province unpleasant, they make your Excellency's kindness the more worthy of my deep and lasting gratitude.

I am confident, at the same time, that the investigations which will now of course be made, will fully remove these suspicions from Your Excellency's mind, and will prove that any (no) such attempt was in contemplation.

I have the honor to be, most respectfully,

Your Excellency's grateful servant,

(Signed,)

MARSHALL S. BIDWELL.

His Excellency

Sir Francis Bond Head.

The best friend of Mr. Bidwell will hardly contend that he acted in this case like a man conscious of his integrity. It must be obvious to every one that he was aware of the danger of submitting those letters to scrutiny. Had it been otherwise, would he have shrunk from the alternative of having them publicly opened? What danger could there have been in letters addressed to himself? they could not be evidence against him.—But might they not have led to a discovery of facts that would have implicated him? Mr. Bidwell evidently feared it, and we very much doubt if one of those letters was in existence in one hour after they were safe in his possession. Were they not thrust into the stove with the appropriate exclamation,

"Thus perish all that gives to Bidwell pain" ! !

This is certain, that Mr. B. had not a moment's rest till he was safe across the lines; and his friend John Rolph used all due diligence to join him at Lewiston. There is no law to prevent Mr. Bidwell from returning to this Province, nor any obstacle but his own voluntary pledge.

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POSTSCRIPT.

☞ Since the foregoing was put to press, and since the subsequent statement of the affair between Sir Francis and Mr. Bidwell appeared in the *Herald*, the following letter has been this moment (10th May) received from Mr. Bidwell himself.

New York, May 4, 1838.

My Dear Sir,

I perceive that the Patriot has published my note to Sir Francis, and affirms that the option was offered me of remaining or of having my letters opened. This is not true. Nothing of the kind was hinted. On the contrary, Sir Francis assured me that the letters had been sent to him without his orders, and that he never would allow my letters to be opened. I asked him to open them, as I did not wish to have any suspicions about them indulged afterwards; but he refused to do it, and said he had too much respect for me to allow it. Indeed on the Wednesday previously, I expressly informed the Attorney General of my own accord, that I was willing to undergo the most full and unreserved examination, and to let all my papers be examined.

The terms of my note were dictated or at least suggested to me by Sir Francis, and referred particularly to his expressions of personal regard. The object of drawing such a note from me is now apparent; but I was not then aware that he had received orders from Lord Glenelg to make me a Judge.

The interest you so kindly take in my welfare is my only apology for troubling you with this explanation.

I am, dear Sir, your's truly,

(Signed,) MARSHALL S. BIDWELL.

The *New York Albion* of the 5th Instant, in an article in which he refers to the Patriot's account of the transaction between Sir Francis and Mr. B. and justifies the conduct of Sir Francis, bears the following important testimony to Mr. Bidwell's talents and integrity. "Mr. Bidwell is a gentleman of high legal attainments; he is, moreover, a person of great integrity and respectability, and was always esteemed as such, not only by Sir Francis Head, but by his political opponents generally." After such a testimony to Mr. Bidwell's integrity, as well as that of Mr. Atty. General Hagerman on a future page, no one can doubt the correctness of Mr. B's. statements contained in the above letter and in his various other letters hereafter quoted.

U. E. L.

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CAUSE AND CIRCUMSTANCES OF MR. BIDWELL'S BANISHMENT BY SIR F. B. HEAD CORRECTLY STATED AND PROVED.

Introductory Remarks by the Editor of the Upper Canada Herald.

We have excluded an Editorial article prepared for this day's paper, in order to make room for the following important communication and correspondence—important, not only in reference to the person chiefly concerned, but also in relation to the government, as its honour and justice are directly implicated in the affair. We publish the documents in the first place, as an act of justice to Mr. Bidwell, and this he has a right to expect even from a political opponent; and in the next place, as an act of justice to the government, that the Executive may have a correct knowledge of the case, and may render due justice in the premises. It is here fully proved that every charge and ghost of a charge against Mr. Bidwell of being in any way or manner connected with the rebels or cognizant of their proceedings, is totally unfounded and vain, and therefore, that he was expelled from the Province without any cause whatever; and consequently, that he was expelled unjustly. Now the government cannot commit a greater injury to itself than to continue an act of injustice after it is known to be unjust. That would give point and force to the reproaches of our enemies by making them true, and the exclamations against "British tyranny" would become something more than idle words, by bearing a constant application to established fact. No considerations of political expediency can ever excuse or justify an act of injustice. Our strength is to be just even to an opponent, and give no occasions for the slanders of the democrats against British rule. We call them slanders, but they will be slanders no longer if a man without the shadow of a charge against him may be expelled from the Province at the arbitrary pleasure of a governor. Nothing could more weaken the attachment of the people of Upper Canada to their government, than a knowledge that it sanctioned injustice. Under all the circumstances of the case, it was unavoidable that suspicion should attach to Mr. Bidwell; but as soon as it was found that the suspicion was not supported by one solitary fact, that interdict should have been removed, the agreement annulled, and Mr. Bidwell should have been left free to act as he pleased like any other innocent man. On this point we speak out fearlessly, as becomes a Briton; for we can never sanction injustice no matter what guise or pretence it assumes. We have only to say farther, that entire reliance may be placed in the accuracy of the following statements and correspondence. Every thing here advanced can be substantiated by direct evidence if necessary. It will be observed that Mr. Bidwell's letter to Sir F. Head from Lewiston explains the reason of his delay at that place. He expected that Sir Francis would have examined the matter without delay, and have recalled his arbitrary mandate when he found that there was no fact to support his suspicions. Mr. B. also expected to be visited by the professional friend to whom he had confided the arrangement of his business. We may observe also, that he knows nothing whatever of the present publication being intended. The correspondence is also important as it throws light on several acts of Sir F. Head's administration, and gives from his own lips the cause of the difference between him and her Majesty's Ministers, which it will be seen, was their directing him to appoint Mr. Bidwell a Judge and reinstate Mr. Ridout. The public will at once perceive that Sir Francis banished Mr. Bidwell in order to remove the cause of his difference with the Home Government. *Fiat justitia, ruat cœlum.*

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To the Editor of the U. C. Herald.

Sir F. B. Head and Mr. Bidwell.

Sir,

A late number of the Toronto *Patriot* contains a professed explanation of the circumstances under which Mr. Bidwell was induced to enter into an agreement with Sir Francis Head, in December last, to leave this Province *forever*. The *Patriot* also publishes a note, purporting to have been written by Mr. Bidwell to Sir F. Head at the time of his leaving the country.

This explanation of the affair has been copied into other provincial papers with expressions of "extreme satisfaction."—The *Patriot's* version of the matter is, that the day after the defeat of the rebels on Yonge Street, a packet of letters addressed to Mr. Bidwell by post came into the hands of Sir Francis, who sent for Mr. Bidwell, and offered him the alternatives of having his letters opened and read and risk the consequences, or of having them returned to him unopened and leave the Province for ever, and that Mr. B. chose the latter alternative. The *Patriot* states also, that Sir Francis showed Mr. Bidwell a flag which had been found at Montgomery's with the inscription "Bidwell and the Glorious Minority," and that Mr B. "entered upon an elaborate harangue to prove the impossibility of his having any participation in the rebellious proceedings."—The *Patriot* adds "The best friend of Mr. Bidwell will hardly contend that he acted in this case like a man conscious of his integrity."—Certainly not, if he acted as this account represents him to have acted. The *Patriot* observes again—"This is certain that Mr. B. had not a moment's rest till he was safe across the lines."—Very true, for Sir Francis would not allow him "a moment's rest," but compelled him to leave within a given number of hours, against Mr. B.'s earnest wish, as he desired to make some disposition of his business before he left

As this most painful and important affair has been brought before the public to the discredit of Mr. Bidwell and in justification and praise of Sir Francis, I deem it of great consequence that every friend of justice and humanity—every friend of Constitutional freedom as well as constitutional law, (for they both live and die together) should know the facts of the whole case. I have not even seen Mr. Bidwell for years; for my own adherence to my Queen and country, I was selected as a sacrifice by the rebels in the event of their success; but by a train of circumstances, which I need not here explain, I have become acquainted with all the facts of the affair between Sir F. Head and Mr. Bidwell from the very commencement. Important private correspondence has also come to my knowledge, which will shed essential light upon what the *Chronicle* terms, "the true circumstances of this gentleman's mysterious exile."

I do not think the loyal and generous Editor of the *Patriot* would wilfully and knowingly misrepresent the affair. I believe he has been imposed upon, and that he and the other Editors who have copied from him will, as an act of common justice and humanity to an absent and injured individual, insert a correct exposition of the case. I believe that the Editor of the *Patriot* has been imposed upon, from the fact that his statements are not only incorrect, but the very copy of Mr. Bidwell's note that he has published, is *essentially mutilated* from the original. The part of the sentence in which Mr Bidwell declared his entire ignorance, that any insurrection was in contemplation, is *omitted* in the *Patriot's* version of the note. The case is not one of party politics; but involves vital questions of British Constitutional Law and Liberty, the truly boasted inheritance of every British subject; it involves the immutable principles of moral justice between man and man; it involves the guaranteed rights and dearests interests of a fellow man. Mr. Bidwell's case may become the case of others; and those who have so nobly vindicated the constitution and laws against piracy and rebellion will, if they are true to their principles, be as patriotic & loyal in vindicating them against executive oppression. Let us then calmly & impartially review this momentous matter from the beginning.

Sir F. Head assumed the government of this Province under specific *Royal Instructions*, which he published, and to the faithful observance of which he repeatedly and publicly pledged himself to the people of Upper Canada, and upon which pledges, in connection with the maintenance of the Constitution, Sir Francis obtained the support of the great majority of the Electors of U. Canada. One part of those instructions was, that in the appointment of persons to public situations, (especially of a judicial character) the Governor should not be influenced by "*any political consideration whatever*" (Lord Glenelg's own words) but

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regard to the character and qualifications of viduals for such offices. Acting in the spirit ese Instructions, Sir Francis appointed three Executive Councillors, in announcing whose pointment to the assembly, I have understood, Att'y Genl. Hagerman said he felt peculiar asure and doubted not but it would be highly tifying to the House and to the Province at ge. Shortly after, Sir Francis informed Mr. dwell that he intended to recommend his apintment to the Bench on the first vacancy, and shed to know if it would be acceptable to him. B. after making due acknowledgment, wish- to know if his appointment had been conceived mply upon the ground of his character and quali- ations, without involving any violation of integ- y in his political opinions. Sir Francis replied in affirmative, with many complimentary remarks. r. B. expressed his sense of the respect shown m, and signified his willingness to accept of a ju- cial situation, & it is understood that the appoint- ent was discussed and concurred in by the Judges. fter the rupture between Sir Francis and his ouncil and the House of Assembly, he sent for *Mr. Bidwell*,—adverted to the circumstance of e *Assembly* having impeached his (SirF.'s) in- grity and honor, and observed to Mr. B. that he ir F.) could not recommend him (Mr.B.) to e office of Judge, unless Mr. B. would use his in- ence in the Assembly to have those proceed- gs rescinded. Mr. B. expressed his regret at eing placed in such circumstances—but observed hat he (Mr. B.) had taken no part in the pro- eeding—*that* the resolution had been adopted by large majority of the Assembly, with all the ocuments before them, and that he (Mr. B.) could ot feel himself justified in taking the matter up gain, or endeavouring to influence the decisions f the House on the subject. Sir Francis abruptly emarked that he could not then recommend his ppointment as Judge; Mr. B. replied that it had ot been solicited by him, but had been spontane- usly offered to him. Thus ended the question of udgeship between Sir Francis and Mr. Bidwell.

Here it will be observed, that Mr. B.'s known political opinions were not considered by Sir Fran- is as any objection to his appointment as Judge— nd that Sir Francis would have actually engaged o secure his appointment if Mr. B. would have onsented to have "embarked his character in the ame boat" with that of Sir Francis. To his hon- or, be it said, that whatever may have been Mr. B.'s political opinions, he preferred honesty to honour, integrity to office,

On Mr. Bidwell's defeat at the general election of 1836, he avowedly retired from the strife of poli- tics. To that resolution he adhered until he left the Province. In the examination of some of the insurgents I have been informed it appeared that they had gone to Mr. Bidwell some time before the insurrection to ask his opinion about the measures recommended by Mackenzie, and Mr. B. replied that he had no opinion to give—he had altogether retired from politics.

It seems that Her Majesty's Government adhering to the Instructions under which Sir Francis was sent to this Province, and perceiving that he had received the support of the People of U. Canada by pledging himself to carry out those instruc- tions, directed him to appoint Mr. McLean and Mr. Bidwell to the Bench—as gentlemen of blameless private character, of superior judicial qualifications, and as having been successively ele- vated by the inhabitants of U. Canada to the high- est honor in their gift. I am able to assert with positiveness, that Her Majesty's Government deemed the appointment of these distinguished jurists and successive speakers of the House of Assembly—as a proper expression of respect to the judgment and feelings of the People of this Prov- ince—as a healing measure as well as impartial—as calculated to destroy the spirit and weaken the power of agitation in the Province, and to employ Mr. B.'s great talents and acquirements to the ad- vantage of the Government and the Country in that capacity in which he has always preeminent- ly distinguished himself. I do not feel myself called upon to express any opinion as to the mea- sure itself—I am merely dealing with the *facts*.

Sir Francis *now* (Sept. 1837) refused to obey the Royal instructions as far as Mr. Bidwell's ap- pointment was concerned, and to bring Her Ma- jesty's Government to his own terms, tendered his resignation. From Sir Francis' known disposition, it may be easily conceived what were his feelings towards Mr. Bidwell, when Mr. B. had declined "embarking his character in the same boat" with his, and when his (Sir F.'s) own office now hung in suspense on Mr. Bidwell's account. At this juncture the *insurrection* broke out; and in the hour of trembling, fear and impending danger, on Tuesday morning the 5th December, when Toron- to was yet defenceless except the Market build- ings and the U. C. Bank, and Sir Francis hardly dare leave the Market Square, he sought Mr. Bidwell's agency for a flag of truce to the rebel camp. Mr. B. declined, assigning as a reason, that he did not possess the confidence of the lead-

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ers of the insurgents. On the 8th December, the day after the suppression of the rebellion, when Sir Francis felt himself on *terra firma* again, he sent for Mr. Bidwell, and here occurred the scene which has been so strangely misrepresented.

Sir Francis did not hold up a packet of letters, and leave it to Mr. B.'s option either to have them read or leave the Province forever. (There were, if I am rightly informed, but two letters—the one from Mrs. Bidwell—the other from a Mr. Johns, formerly of Kingston, but latterly of New Orleans. Mr. Bidwell told Sir Francis he was welcome to read them; and Sir Francis then declined;) but Sir Francis told him that he (Sir F.) was blamed from all quarters for not apprehending him (Mr. B.)—and that serious complaints had been made against him (Mr. B.)—Mr. B. expressed his surprise, and assured him of his entire innocence—and ignorance of the conspiracy—Sir Francis brought out a flag with Mr. B.'s name on it, which had been found at Montgomery's—Mr. B. re-assured him of his ignorance of the whole affair, and expressed his belief that the flag had been got up for an election purpose, and not in connection with the present insurrection—Sir Francis told him, as a friend, he would recommend him to leave the country—that he could not warrant him security of person or property if he remained, and for the sake of both and the peace of the country, he had better leave the province, and he (Sir F.) would give him a letter of protection for that purpose—professing the sincerest friendship for him, intimating that his leaving the province was his only safety, whether he was innocent or not, in the present excited state of public feeling.

I cannot speak as to *words;* but such, I do say, upon good authority, was the *purport* of what passed between him and Mr. B. in that memorable interview.

Mr. Bidwell has never professed or been known as a man of military courage, but on the contrary, even in ordinary public affairs, as retiring, timid and even nervous. It does not require a metaphysician to imagine his feelings and apprehensions under such circumstances, in a frenzy of excitement (as he was led to believe) of the public mind against him, with a knowledge, that however impartial the administration of justice was in ordinary times, every principal administrator of it had been his opponent on the floor of the House of Assembly, and under an intimation from the Governor himself that he had but little hope of security in remaining in the province, and that it was his (the Governor's) earnest wish and request that he would leave it. Mr. B. hastily consented to Francis' apparently friendly and urgent request. Sir Francis wished him to mention in his note t friendly conversation that had taken place, th there might not appear any thing personal in t transaction. Mr. Bidwell did so, as he felt th no other alternative was left him. He then ope ed the letters in question in the presence of pe sons of unquestionable loyalty and respectabilit & gave them to them to read. Of course there w not a word of politics in them. Sir Francis a lowed him from Friday evening until Sunda noon to leave the province.

Such I believe is a true statement of the fac of the case. I will now substantiate it by ev dence. I cannot, of course, prove what took pla in private conversation; but I can prove—1. Th up to the hour of Mr. Bidwell's submitting to leav the Province there was not the slightest ground suspicion against him in the minds of those in au thority most competent to judge. 2. That M Bidwell has asserted his innocence in the rebellio from the commencement, and has given satisfacto ry grounds of his "consciousness of his integr ty." 3. That he was morally and virtually com pelled to leave the Province by Sir Francis Hea himself. 4. That Mr. Bidwell has courted th most thorough investigation of his conduct from th beginning. 5. That nothing has transpired durin the whole of the investigations relative to the re bellion by which the slightest suspicion can be at tached to Mr. Bidwell. If these facts be estab lished, it will follow that a peaceable British sub ject has been banished for his talents and opinion —that in his banishment British liberty has bee invaded—British law has been violated—Britis justice has been sacrificed—and a British Govern ment and Province have been disgraced.

First—as to the trivial circumstance respecting the banner, with the inscription, "Bidwell and the glorious minority—a good beginning, 1837."

Now this said flag, of which Sir Francis has endeavoured to make so much as to give it a prominent place in one of his despatches to Lord Glenelg, had been at the said Montgomery's since the first day of January 1832, on which day Mackenzie was re-elected to the Assembly, after having been expelled. It will be remembered that in his expulsion, many supposed the liberty of the press was invaded, and even the freedom of the elective franchise itself infringed. The words "Bidwell and the glorious minority," referred to the part taken by Mr. Bidwell and the minority of the Assembly in opposing Mackenzie's expul-

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ter. The words "a good beginning," referred to the supposed triumph of the liberty of the press on the first day of a new year, indicating what might be expected in the course of the year.—The following paragraph from the Toronto *Guardian* newspaper, of the 4th Jan'y, 1832, will confirm what I have stated. "A procession was formed to escort Mr. Mackenzie to the town.—He was placed on the second story of an immense sleigh belonging to Mr. MONTGOMERY, which was drawn by four horses, and carried between 20 and 30 men, and two or three Scotch musicians.—One of the most singular curiosities of the day was a little printing press, placed on one of the sleighs and warmed by a furnace, on which a couple of men continued, while moving through the streets to strike off their *New Year's Address*, and throw it to the People. Over the press was hoisted a crimson flag with the motto "The Liberty of the Press." The mottoes of the other flags were "King William IV. and Reform." "*Bidwell and the Glorious Minority*, 1832, *a Good Beginning*," "A Free Press the Terror of Sycophants."—"*Mackenzie* and the People." " Here the whole mystery is explained about the flag, and about its being at Montgomery's. Some of the rebels, during their two or three days rendezvous there, had changed the figure 2 into a 7. But there was clearly no application of the motto to Mackenzie's insurrectionary proceedings; for Mr. Bidwell was not a member of the Assembly at all; it was not *the beginning* but near the end of the year; the rebels did not profess to be the "glorious minority" but the "glorious" *majority* of the People; and Dr. Rolph, it appears had been selected and agreed upon as their President. Mackenzie may have used the flag to delude and keep his followers together, though there is no proof that he even did that. But had he done so, and had he actually prepared a flag for that purpose, it would have only proved that he wished to avail himself of Mr. Bidwell's name and influence to promote his black designs, as he actually had a flag (which Sir Francis does not think proper to mention,) with the inscription, "*Victoria the 1st and Reform.*' Why has not Sir Francis indicted Her Majesty for allowing her name to be used for the purposes of rebellion?—And this flag also was the old one, altered from William to Victoria.

So much then for the flag which has afforded matter to Sir Francis for so many delightful reflections and animated themes. He would not have triumphed so much over such a circumstance had he possessed any other the slightest ground of insinuation or imputation against Mr. Bidwell, the sacrifice of whom he felt to be important in justification of his own disobedience to the instructions of Her Majesty's Government.

The circumstances under which Mr. Bidwell was induced or rather compelled, from apprehensions the most appalling to a man of high standing and sensitive mind, to write to Sir Francis will be borne in mind. The following is a true copy of his note, with those words in *italics* which are omitted in the *Patriot*.

(Copy.) Toronto, 8th December, 1837.

SIR,—In consequence of the kind conversation of your Excellency this morning, I have determined to leave the Province forever.

I am aware that the circumstances to which your Excellency alludes, are calculated to give rise to suspicions against me in relation to these insurrectionary *movements*, and while they would be likely to render my further residence in the Province unpleasant, they make your Excellency's kindness more worthy of my deep and lasting gratitude.

I am confident at the same time, that the investigations which will now of course be made will fully remove those suspicions from the mind of your Excellency, and will prove that *I had no knowledge or expectation that* any such attempt was in contemplation.

I have the honour to be,
Most respectfully,
Your Excellency's
Obedient and faithful servant,
(Signed) MARSHALL S. BIDWELL.

To His Excellency,
Sir Francis Bond Head.

Now from Mr. Bidwell's note, three things are evident. 1. That Sir Francis had expressed serious suspicions against Mr. B. 2. That in consequence of those suspicions, (not from his voluntary choice) Mr. B's removal from the Province was deemed expedient by Sir Francis. 3. That Mr. B. avowed his entire ignorance that any insurrectionary attempt was in contemplation, and was confident an investigation of his conduct would prove the truth of his statement.

I will next prove, that while Sir Francis professed to entertain such fatal suspicions against Mr. Bidwell, Mr. Attorney General Hagerman—the first Law Officer of the Crown—entertained no such suspicions, even after reading Mr. Bidwell's note, and doubtless after having conversed with Sir Francis on the subject of it. The following is an

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xtract of a letter addressed by Mr. Hagerman to Mr. Bidwell on the same day of the date of Mr. H's note to Sir Francis, to which Mr. Hagerman refers.

Toronto, 8th December, 1837.

My Dear Sir,—

* * * * * *

I have seen your note to Sir Francis Head, announcing your intention to leave the Province, and as you say forever. I will use no unnecessary words to assure you that I lament—deeply lament—that any train of circumstances should have induced you to believe that this estrangement from a country in which you have lived so long, and where you have made so many sincere friends, was imposed upon you as a duty. I have known you long and in some respects intimately, and my respect for your private character as a neighbour and a friend arising from a knowledge of your amiable disposition in those relations of life which do not involve political controversy, has impressed me so strongly with feelings of friendship and esteem, that I cannot now part with you, perhaps forever, without emotion.

You are, however, going to a place of security; I am remaining in one apparently at least of danger; your fate may yet, and I think most probably will be happier than mine—but whatever may be the result, be assured that if in the course of my remaining days I can do you any service by shielding your character from unmerited reproach, or in any other way, rendering your path of life more pleasant or agreeable to you, than it would be without my aid, my exertions and my testimony in your favour shall not be withheld, and my prayer is that God may bless you.

I beg to assure you,
My dear Sir,
That I am sincerely yours,
(Signed.) C. A. HAGERMAN.

To M. S. Bidwell, Esq.

Could Mr. Hagerman have possibly written such a letter as the above, if he had entertained the slightest suspicion that Mr. B. had any concern in the conspiracy, or any knowledge of it? If Mr. B. possessed qualities and virtues and attainments to call forth such a testimony from his warmest political opponent, was he not worthy of any judicial situation? And how heartless and cruel does Mr. H's. letter make the conduct of Sir Francis appear in compelling Mr. B. to leave the country, and that under professions of friendship.

In the next place I will lay before the reader a most able and deeply affecting letter addressed to Sir Francis Head by Mr. Bidwell, immediately after his arrival on the American shore. Let any man of any party, whether he be friendly or hostile to Mr. Bidwell, read this letter, and then let him say if he can whether Mr. B. ought to be taunted with not having "a moment's rest until he was safe across the lines," or with not "acting like a man conscious of his integrity."

Lewiston, 11th December, 1837.

Sir,—I avail myself of the first leisure moment at my command to repeat my acknowledgments for your Excellency's kind expressions of personal regard and good wishes, during your Excellency's conversation with me on Friday last.

I am well aware that in a moment of extraordinary excitement, circumstances that would at other times have no weight will lead to suspicion, and often indeed to conclusive evidence. I do not therefore complain, though I deeply regret that your Excellency should think my former political life and opinions, the garbled extracts of a hasty and carelessly written letter to Doctor O'Callaghan in August last, and published without my consent, and without the qualification or limitation of the context, and the finding of a flag at Montgomery's Tavern, inscribed "Bidwell and the glorious minority", which I suppose had been a banner prepared for some election or public meeting, but certainly not for such a purpose as a revolt, and never used I believe by the insurgents,—sufficient reasons for signifying to me your wish that I should suddenly and forever leave my home and country, with all their ties and connexions, the scene of my dearest attachments and happiest recollections, the birth place of all my children and the burial place of three of them, and that I should come to a land where I am a stranger, and where I am without a profession, and without the means of providing for the support of myself and those dear to me. But I submit to a necessity which however is deeply painful, conscious of my innocence. I nevertheless would not think of remaining in Upper Canada without your consent. After your Excellency had intimated to me your expectations and wishes that I should leave it, I could only yield without hesitation to those wishes, and feel grateful for the kindness with which you were pleased to express them, and the flattering declaration of a friendly interest and regard towards me with which they were accompanied. I have left the Province, however, with a confident expectation that after the highly excited feelings of the moment shall

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pre-subsided, and the grounds of suspicion against
e shall be calmly reviewed, and the origin, cir-
mstances and connexions of this revolutionary
ttempt shall be traced out, your Excellency will
e convinced that I have had no participation in,
onnexion with, or previous knowledge of this af-
air: that my temper, principles and conduct are
acific, and that I have done nothing inconsistent
ith my duty, as the subject of a free government
hich does not proscribe opinions or condemn any
ne for the free or even unguarded expression of
em.

To leave a country endeared by so many recollec-
ons and associations, and to leave it so abruptly,
nd under such circumstances, is not merely at-
nded with great pecuniary sacrifice, the ruin of
y business, and perhaps the destitution of an af-
ctionate and dependent family, but it is mortify-
g and painful on other accounts.

Having considered it my duty, however, in def-
ence to your Excellency's expressed wishes, to
ake this sacrifice, you may be assured that I shall
ever return without the consent of your Excel-
ncy or Her Majesty's Government.

At the same time, I look to the result of the
vestigation now in progress (which I trust will
extended to my conduct) with confidence for
e removal from your Excellency's mind of all
spicions.

In the mean time, I gratefully remember the
indness with which your Excellency has express-
d yourself, on the recent as well as on former oc-
asions, and I rely on that kindness to excuse me
roubling you with this letter.

With sincere wishes for your Excellency's hap-
iness, and for the welfare of Upper Canada under
our Excellency's administration,

I have the honour to be,
Most respectfully,
Your Excellency's
Obedient and faithful servant,
(Signed.) MARSHALL S. BIDWELL.

To His Excellency
Sir Francis Bond Head.

After reading the above letter, who will not say
hat Mr. Bidwell was taken advantage of at a mo-
ent when he felt that the laws of the land were
irtually suspended, and compelled to leave the
rovince? Who will not say that every consider-
tion of honour and humanity, let alone justice
nd religion, imperatively required Sir Francis to
rvite Mr. Bidwell to return the very moment the
en pending investigations removed the suspicions
he had hastily entertained—if he ever did entertain any? Now what was Sir Francis' answer to the foregoing letter? For between *three and four months* he never answered it at all. With all his vanity, he felt that answering it was too heavy a tax even upon his nerves. He sought at first to shift the onus of a reply upon the Attorney General, but failing in that, he at length as if compelled by strong necessity, addressed himself to it on the day of his giving up the government to His Excellency Sir George Arthur. Perhaps a more repulsive production was never conceived under the circumstances. It is as follows:

(Copy.) Toronto, March 23, 1838.

Sir,—Your letter dated Lewiston, 11th Dec., has remained among a number of other communications to which from the extraordinary events which have been occurring here, it has been out of my power to reply.

Although I deliver up the Government of the Province this day to Sir George Arthur, I will not leave Toronto without acknowledging the receipt of your communication, which indeed I requested the Attorney General to do shortly after I received it.

I have but a few observations to make to you. You know better than I do, what has been your line of political conduct in this Province. You know better than I do, to what use you have applied your acknowledged talents, and you know as well as I do what has been the lamentable result of the policy which has been pursued by the party which considered you as their leader. *

* (Note.—The *Mackenzie* radicals of the Province have not for two years either consulted or considered Mr. Bidwell as their leader. The reformers as a body have considered him as their principal leader, and they as a body have not only proved themselves to be loyal, but some of Mr. Bidwell's most active and influential admirers and supporters in different parts of the Province, have been among the most active and loyal volunteers in suppressing the rebellion. The Mackenzie radicals and rebels no more constituted the body of reformers in this Province, than the Roebuck radicals constitute the body of reformers in England. They are the *excresence* of reformers, the same as the high ultra tories are the excresence of conservatives; and the one class of these excresences is as really disaffected and hostile to the principles of our free Constitution of Government as the other. The one would fain be rid of the *representative*

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In consequence of the rebellion which has lately taken place, a great deal of misery and serious losses have been incurred; and although I have never entertained towards you any feeling of animosity, yet I must say, that as long as I should have remained Lieut. Governor of this Province, I should have felt it my duty to Upper Canada not to have annulled the agreement you made never to return here.

"Received as you have been by the bar of the United States, I feel confident that your talents have now nothing to impede them, whereas they were here constantly obstructed by a conscientious predilection in favour of elective institutions, which you must be quite aware are subversive of monarchical government.

I have the honour to be, Sir,
Your most obedient servant,
(Signed.) F. B. HEAD."
"Marshall Spring Bidwell, Esq."

The above production does not admit of comment; but several things of great importance are worthy of remark. 1. Sir Francis tacitly admits the correctness of every statement contained in Mr. Bidwell's letter. 2. Sir Francis had now received all the information that could be obtained respecting "the origin, circumstances and connexion of the revolutionary attempt," yet he does not repeat his suspicions against Mr. Bidwell, which he doubtless would have done in justification of his proceedings against him had any suspicious circumstances been elicited in the course of the investigations. Yet Sir Francis refers to an "agreement" into which he had forced Mr. Bidwell when he could not help himself, and declares that he would have continued him in exile as long as he might have remained in the Province. I will venture to say, that had Sir Francis remained twelve months longer in Upper Canada, he would have been compelled to leave it himself, or restore to Mr. B. the rights and privileges of a British subject of which he had robbed him—and he even insults Mr. B's. wounded feelings with a compliment upon his probable success at the American Bar.—The only pretence upon which he attempts to justify Mr. B's punishment, is an insinuation respecting the "lamentable results of the policy of the party which had considered him as their leader," and that Mr. B's. "conscientious predilections" were not compatible with monarchical government." Now suppose Sir Francis' insinuations were facts, what justification would he find in them for his unconstitutional and cruel proceeding against Mr. B. Have not a large and powerful party in England charged upon the "policy" n merely of a party who regard Her Majesty's Mi isters as their head, bnt upon the "policy" of H Majesty's Ministers themselves, the "lamentab results," of "rebellion and bloodshed," (as Lo Stanley expressed it,) and yet are those Ministe banished? Nay, do they not still possess the co fidence of Her Majesty and of the majority of t inhabitants of Great Britain? Now if I were charge the "lamentable results" of the rebelli upon the "policy" of Sir Francis, as you hav Mr. Editor, with irresistible power of argume proved, would I be far from the truth? But wou his banishment follow?

Again—if all the persons in England who mig be supposed by the reigning Sovereign to ente tain "predilections" incompatible with Britis "Monarchical government," were to be banishe how many hundred members of both Houses Parliament, and how many thousands of the ger try and People of Great Britain might be doome to exile? And yet this is Sir Francis Head's doc trine to Mr. Bidwell, and this is the only pretend ed ground of Mr. B's. banishment alleged by Si Francis. If such a *regime* is permitted in Uppe Canada what better off are we than the inhabitant of Russia or even Turkey? Where is our Britis Liberty? What man in Upper Canada may no be banished to-morrow? According to this doc trine—a doctrine avowedly acted upon in Mr. B's case—it is only for the Governor for the time t suppose or to profess that a man's "policy" i fraught with "lamentable results" or that hi "predilections" are not "compatible with monar chical government," & give the suspected individ ual his choice of ruin at home or banishment abroad It is not what were Mr. B's. opinions, or whethe they were true or false, beneficial or pernicious— the question is, has not every British subject a right to his opinions? And is not this freedom o opinion the very tenure upon which the constitu tional liberties of every British subject are held and enjoyed? Is not free discussion—not banish

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branch of the government, the other would subver the *executive* branch of it. The one would no allow, if they could prevent it, the common peopl any power in the government, the other would proscribe the higher classes. This is the differ ence. So that there are more than one class of per sons who are not in heart loyal to the principles o our Constitutional Government, though they can not be considered equally reckless and unprinci pled.)

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ment—the means by which, under every free government, pernicious opinions in both religion and politics, are checked and overthrown? The very moment a people allow pains and penalties, either by mob or legal compulsion on the part of rulers, to be attached to opinions, as in the case of Mr. Bewell, that very moment they sign the death-warrant of their own liberties, and become slaves. It is a libel and a prostitution of the word to call them *Britons*.

I will here drop the discussion of the subject; but in further justice to an absent exiled individual, with whose leading political opinions I have no fellowship, I will, by permission, give a few extracts from his private letters to a professional friend. These extracts of hastily written business letters extend from the day after Mr. B. received his orders from Sir F. Head to leave the Province, to the 12th of April. I will give them without further note or comment, and leave the reader to judge whether they do not indicate a mind conscious of innocence, integrity, and unmerited injury, and tenderly alive to the welfare of the country from which he had been excluded, and in which he had been fourteen years successively a popular representative, without a blemish upon his character, and during six years, the first commoner in the land, as also at the head of the legal profession. The transition from a community and country, in which he had attained such a standing, with intellectual and moral qualities which, as Mr. Hagerman's letter shows, have made warm personal friends of his warmest political opponents, to a country where he is a comparative stranger and almost a suspicious adventurer, could not fail to produce feelings which but few minds would be able to sustain. It is neither agreeable nor proper to publish private letters, or extracts of them, without the consent or knowledge or intention of the author; but the attacks upon Mr. B's. motives and feelings in his absence so obviously make the present case an exception to the general rule that I must claim the advantage of it—as it is a justification and not a compromise of principles or character.

Extracts from Mr. Bidwell's private Letters.

[The private business parts of these letters are omitted.]

Toronto, 9th Decr., 1837.

My Dear Sir,

I am leaving the Province at the request of the Lieut. Gov. suddenly and forever. I am apprehensive that he suspects me of participation in the revolt, but I am certainly innocent, as will be apparent upon an investigation into the origin, extent &c. of the conspiracy.

I suppose my past political course, exertions and opinions, have been the cause; but whatever may be the cause, I think it best without hesitation to comply with the Lieut. Governor's expressed wish, especially as it was accompanied with many expressions of kindness, and these in times when the slightest circumstance to minds excited by prejudice and alarm, may appear conclusive evidence of guilt. But I have not time to enlarge." * * * *

"I don't know where I am going, or what I shall do to support my dear family, but I commend them and myself to that God who led forth Abraham & Jacob and was their Protector and Saviour.

"Remember me to Mrs. ———, and all friends affectionately. May we meet in peace where wars will forever cease and sorrow and sighing.

"I received yesterday a letter" (probably one of the two detained by Sir Francis) "from Mrs. Bidwell. She had arrived with improved health at St. Croix after a rapid and boisterous passage, and is settled in the same house with Mrs. Hamilton. I fear the shock which she will feel when she hears of what has happened.

Yours truly," &c.

ROCHESTER, *27th Decr.* 1837.

My dear friend,

I wrote you before I left Toronto, commending to your kind and friendly oversight and care, my affairs generally. I have not since heard from you, but I know that you will do every thing for me that is in your power. I remained at Lewiston until last Friday in hopes of hearing from home, and with some faint hopes I confess, that I should see you; and I have remained here with some lingering hopes of that kind;* but I shall

* Here, incidentally, is a satisfactory explanation of Mr. Bidwell's delay of ten days at Lewiston, respecting which criminating insinuations have been made against him in some of the public papers, and frequently in private circles.

If Sir Francis thought that Mr. Bidwell, writhing under a sense of unmerited injury, would be prompted to commit or encourage some hostile and criminating acts or designs on the American side, and that this could then be adduced in triumphant vindication of his proceeding against him, both in respect to the Judgeship and his removal from the Province, Sir F. erred as egregiously in his calculations of the result of this act of injustice and cruelty, as he did in his "gasconading" folly

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leave here to-morrow morning, as it is necessary I should proceed without delay to Albany, in order that I may apply for admission to the bar of the Supreme Court of this State. Of the result of this application I am not sanguine, tho' I have received many strong marks of kindness and sympathy.

"I am, as you would suppose, lonely and dejected. To be left at my period of life without a home, without a profession, without any plan for the future, with a dependent family, is enough to excite despondency and gloom. But on God I rely,—on that merciful and gracious Providence which has hitherto sustained and I trust will now direct and bless me." * * * * * * *

"My banishment (for it was virtually a banishment) was not only unjust and cruel to me, and without any cause on my part to excuse it, but in my judgment (if I may be a judge in my own cause) it was impolitic. However it is no use for us to talk about it. Faithfully yours," &c.

ALBANY, 4*th Jan.*, 1838.

My dear friend,

* * * * * * * *

I hope to have the pleasure to hear from you soon. I feel the deepest concern about the land I have left, and I pray for its peace and happiness. There has been a good deal of excitement here; but it would have subsided if that unfortunate affair had not occurred at Schlosher. I have endeavoured to allay excitement, and shall continue to do so, May God preserve you all.

Your friend," &c.

Albany, 15th March, 1838.

My Dear Friend,

Do not indulge any fears of a war; depend on it the Government of this Country, and I presume of Great Britain, are sincerely disposed and resolutely determined to maintain peace, and they will not be induced by the foolish, or criminal, or intemperate conduct of any men on either side to engage in hostilities. * * *

"I thank you for the kind manner in which you endeavour to sustain my hopes and inspire me with resolution. If your friendly and affectionate wishes could avail, I know I should be comfortable.—But I have good reason to be despondent. I have concluded to remove to New York, and shall go there as soon as the navigation of the River commences. What will be the result of this step I cannot foretell with certainty; but I write with great sincerity when I express my opinion that I am *ruined*. It is a difficult thing to get into business and to maintain my stand in a strange la and you must consider how many embarrassm I must encounter from my ignorance of the L of this State. If I do not succeed at once in position to some of their ablest men, I must rem in obscurity, unemployed; but what chance success have I! You may depend on it, my fe ings are sad enough."

It has been supposed, I hear, that when adn ted to the Bar here, I took an oath of abjuratio allegiance. This is a mistake. I took no su oath.

I had nothing to do with the late rebellion, am as innocent in this respect as you can possi be. You know very well that I would not g you this positive assurance if it was not true. would have given it before, if I had thought it all necessary. Let me add, that, since I was pelled from the Province, I have done nothing instigate or countenance any hostile designs or p ceedings against that Country. The day w come, when no man will defend the manner which I have been treated; but it will be too l for me. If ever any one has really wished to s Upper Canada happy and prosperous, I claim th distinction for myself. I have acted faithful disinterestedly, and never violently; my rewa is banishment and Ruin. * * * *

Please remember me to Mrs———and all oth friends. I hope I may yet see her, altho' I ca go to Canada. If I get settled I hope to meet h at my *home*. Ah! I never before knew the f value of that word.

Yours Truly. &c.

[The letter from which the following extra are given was not addressed to the same gentlem to whom the letters above extracted from we written.]

New York, 12th April, 1838.

My dear Sir,

* * * * *

I have been endeavouring to get into busine here, and for that purpose form some satisfacto

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in several other respects. Mr. Bidwell's prin ples and feelings and integrity have been subje ted to the severest ordeal, and he comes forth wit out the semblance of a taint upon his characte he appears, in the extremity of his injuries a sufferings, a sincere and unalienated friend to t peace and happiness of Upper Canada, while S Francis, from the zenith of his momentary glo sinks into the deepest disgrace.

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arrangement for a partnership. Several times I have been on the eve apparently of effecting such an arrangement; but all my plans have been baffled. I confess I have been much depressed, for I have earnestly and perseveringly sought Divine direction and aid.

* * * * * * * *

I am a stranger, and cannot become familiar with my profession without much labour and much time. I have a family dependent on me; my children are young and my wife sick, demanding my most assiduous attention and tender concern, and exciting cares and anxieties little favourable to the exertions which my situation requires.

But I can believe that God may have important ends in view in thus ordering my affairs; that this trial of my faith may be sanctified and blessed to my spiritual good, and that I shall yet praise Him who is the health of my countenance.

I saw Sir Francis Head as he passed through this place. I called on him, having ascertained that it would be agreeable to him. He was evidently pleased that I did so, and expressed his respect for my talents, moral character, &c., but said he could not agree in my politics: he said he had answered my letter very "cautiously"; and as I rose to retire, he requested me to remain until the servant left the room. He then said that in order to avoid the appearance of double dealing, he thought it right to tell me what had occurred between Her Majesty's Government and him about me; that he had been required by Lord Glenelg to appoint me a Judge and to restore Mr. Ridout, and that he refused to do this, which had led to his resignation. I replied that I had not called on him to enter into explanations, but as a proof that I entertained no vindictive feelings, and was disposed notwithstanding my conviction of the injustice I had received at his hands, to treat him with the respect due to the station which he had filled; but as he had introduced the subject, candour and justice to myself required me to say, that after I had resided nearly 26 years in Upper Canada, and had during all that time been a peaceable and obedient subject, and had borne, as he had admitted, an irreproachable and exemplary character, to take advantage of an occasion when I could not exercise any choice, to compel me suddenly to leave a country in which I had formed all my attachments, connexions and habits, where alone I had a home, or property, or profession, was exceedingly arbitrary, unjust and cruel, involving as it might and probably would the ruin of myself and family. He replied, it was one of the consequences of the rebellion, and he regretted it. I said no; it was his act, not that of the rebels. I could not blame them for it; but I would not pursue the subject as I did not wish to say any thing disagreeable to him. I tendered him my services while he remained in New York, and we parted pleasantly after all.

You have probably seen Sir Francis Head's letter to Lord Glenelg, giving him an account of the rebellion, &c. You will find that he mentions having sent the flag of truce to the rebels on *Wednesday*, and lays some stress on his having done it when he had collected a sufficient force to overcome all opposition. Now it is notorious to all Toronto that this flag was sent out on *Tuesday* morning, the very morning after the rebellion broke out.

After Sir Francis started I received the answer he informed me he had written. As you so kindly take an interest in my welfare, I will subjoin a copy for your perusal." [The copy of Sir Francis's letter here alluded to is given above.] "You will see it is written in his characteristic manner; and that I have been proscribed for my *supposed* opinions. Instead of regarding the ruin which he has cruelly inflicted upon me, merely because he saw fit to condemn my opinions, he speaks of my talents and reception by the New York bar. But I forbear to dwell on his conduct. It excites feelings which I *will not* cherish. He has done me a great and cruel wrong; and I have no hope of redress. But I forgive him."

* * * *

Yours &c.

Such then is the case of Mr. Bidwell, and such the conduct of Sir F. Head towards him. While Mr. Bidwell, as a husband, a parent, a friend, a subject, a christian, and a man, appears in a light more honourable and enviable than he ever did before, language possesses no power adequate to describe the conduct of Sir F. Head. It is only for the reader, as well as the writer, to ask, Is Mr. Bidwell a man? Then by all that appertains to humanity, he has a claim to the rights of man.—Is he a British subject? Then by all that belongs to British character and law, he ought not to be robbed of the common rights of a British subject. Has he been a political opponent? Then the baser the act, and the deeper the disgrace, in the "great and cruel wrong" inflicted upon him. Upper Canada has been honoured in the persons of the thousands of its inhabitants who have rallied around the Standard of the Constitution against the conspiracy and aggression of a ruthless traitor

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—let them rally to the defence of that Constitution against a more dangerous, because more insidious, aggression on the part of anti-British and cruel tyranny. Let them do so, by affixing their names to petitions to His Excellency Sir George Arthur, as cordially as they lately shouldered their muskets for the field of battle. Upon the escutcheon of our country's glory, let this brightest ensignia be emblazoned—"Upper Canada is as *free* as it is *loyal*;" and then will it possess additional attractions to the emigrant, as well as a fresh claim to the affections and confidence of its inhabitants, and the respect of the world. From one end of the Province to the other, let there be a suppli respose to the voluntary assurance and pled given by His Excellency Sir George Arthur in late admirable reply to a congratulatory addres "In promoting and maintaining the rights of *Her Majesty's Subjects* EQUALLY, I obey commands of my Sovereign, and at the same ti gratify my own inclination."

I am, by parental instruction and example, personal feeling and exertion

A UNITED EMPIRE LOYALIST

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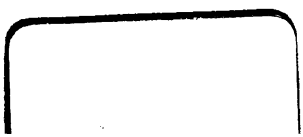

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